

# D.C. Law Prof Says Trump's Travel Ban 3.0 is Absolutely Constitutional; Imperial Federal Judiciary Should Step Back

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President Donald Trump's expanded "Travel Ban 3.0" was set to go into full effect today, Wednesday, October 18. Not surprising, the same Hawaii-based federal judge that killed the last travel freeze struck again.

Longtime Washington, D.C. attorney and law professor [Victor Williams](#) predicts that this rouse decision will have a fast track to the U.S. Supreme Court where it will be overturned. But Professor Williams warns:



"Unfortunately, those ideological elites with worsening Trump derangement syndrome will continue to make manifest their disorder with lawsuits."

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*Prof. Victor Williams*

Lawyers, university professors, judges, politicians, and other elites, with ever worsening Trump Derangement Syndrome, will keep opening new litigation fronts in their war against Donald Trump."

And, the anti-Trump elites have yet again recruited a federal judge into their decidedly anti-democratic efforts.

Victor Williams, who has prior affiliations with Catholic University's Columbus School of Law and the City University of New York's John Jay College of Criminal Justice, most recently affiliated with American University's Washington College of the Law.

An early primary and then general election supporter of candidate Donald Trump, Professor Williams is an outspoken advocate of the terrorist travel restrictions, and he commends Trump administration for its strategic defense against the multi-front legal assault.

The travel freeze is an integral constant in the new president's interrelated calculus of a foreign policy and war strategy shift. The travel freeze policy is first and foremost about foreign relations.

As a diplomatic entreat, the Executive Order is meant to lever our government's negotiations with foreign nations to secure those nations' cooperation with our vetting of their citizens who seek to visit America. The travel freeze gives all nations of the world -- "friends and foes alike" -- notice that

America's interests now come first.

Williams, chair of the America First Lawyers Association, has joined the litigation fray by arguing in amicus curiae ("friend of the court") briefs that all challenges to Trump travel freezing present "non-reviewable political questions." Williams asserts that the federal judiciary does not have subject-matter jurisdiction ("authority") to even review the challenges. Professor Williams argues:

"America is a nation at war with radical Islamic terrorists. The judiciary has no constitutional role in overseeing the president's war decisions. President Trump has unfettered discretion to decide whether aliens coming from foreign soils will be allowed entry onto American soil."



America First Lawyers Associaton

Donald John Trump acts as Commander-in-Chief, implementing war strategy via Article II, Section 2 powers, and he acts as Chief Executive implementing security-related foreign policy via Article II, Section 1 authorities."

In February 2017, Prof. Williams first presented his argument in an academic essay published by Jurist.org.

The political question doctrine protects the separation of powers and also protect the fundamental principle of government by consent.

Williams began his amicus campaign with briefs supporting the first two travel bans. He even authored and filed an amicus curiae brief before the pending U.S. Supreme Court adjudication (Trump v. Hawaii) fully supporting President Trump's positions. (He is the only law professor in the nation to do so).

Professor Williams' amicus curiae briefs endorse and incorporate Trump lawyers' strong arguments as to statutory interpretation and supporting court precedents.

However, Victor Williams' amicus briefs advance a constitutional theory alternative to the statutory arguments presented (thus far) by government lawyers:

"The political question doctrine prevents judges from even reviewing validity of the travel bans."

[Lawyers are allowed -- indeed are expected -- to argue alternative theories of any case.]

The Supreme Court has repeatedly ruled that if a case presents a political question, the judiciary lacks subject matter jurisdiction ("authority") to review the matter. Williams explains:

"Throughout our Republic's history, the Supreme Court has recognized that some issues are committed by the Constitution's text to the exclusive discretion of the elected political branches. When these political questions arise, the judiciary must keep out."

The political-question abstention doctrine is fundamental to separation of powers and American self-governance. Answers to political questions must only come from elected political leaders.

The Constitution textually grants the president the exclusive responsibility to implement war strategy and security-related foreign policy. Only the president, certainly not the judiciary, has the institutional competence and information needed to know what actions are required in order to defeat America's enemies -- on foreign soil.

The judicial interference in the president's war decisions is a dangerous usurpation of political authority.

Separately, Williams explains why a political question determination is critically important to provide "finality" to such frivolous lawsuits as those being filed in challenge the travel freezing:

"Again, Trump derangement syndrome is virulently contagious among the elites – particularly among lawyers who need only the federal court filing fee to make manifest their disorder. Political question finality in this area is needed to help retard future frivolous litigation against Donald Trump's governance."

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